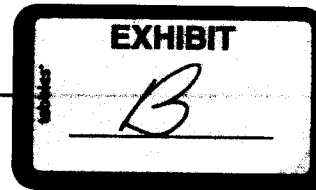


Page 1		Page 3	
01	UNITED STATES DISTRICT COURT	01	individually and *
02	FOR THE EASTERN DISTRICT	02	as Principal of *
03	OF PENNSYLVANIA	03	Penn Manor high *
04	* * * * *	04	School of the Penn*
05	JOSHUA SHUMAN, a *	05	Manor School *
06	minor by and *	06	District; BRIAN D.*
07	through his mother*	07	BADDICK, *
08	and natural *	08	individually and *
09	guardian, TERESA *	09	as Assistant *
10	SHERTZER, and *	10	Principal of Penn *
11	TERESA SHERTZER, * CIVIL ACTION	11	Manor High School *
12	Plaintiff * Case No.	12	of Penn Manor *
13	vs. * 02-CV-3594	13	School District; *
14	PENN MANOR SCHOOL * (Tucker)	14	PHILLIP B. GALE, *
15	DISTRICT; PENN *	15	individually and *
16	MANOR SCHOOL * DEPOSITION OF	16	as Dean of *
17	BOARD; C. WILLIS * JOSHUA SHUMAN	17	Students of Penn *
18	HERR; RICHARD L. * September	18	Manor High School *
19	FRERICH; JEFFREY * 5,2003	19	of Penn Manor *
20	E. LYON; *	20	School District; *
21		21	and CAROLE FAY, *
22		22	individually and *
23	Paragon Court Reporting	23	as a teacher and *
24	335 North Front Street	24	Agriculture *
25	Philadelphia, PA 19106	25	Coordinator at *
Page 2		Page 4	
01	PATRICK T. KLINE; *	01	Penn Manor*
02	DONALD H. *	02	School *
03	ANDERSON; H. *	03	District, *
04	THOMAS HERR; KELLY*	04	Defendant *
05	K. WITHUM; DONNA *	05	* * * * *
06	WERT; JEFFREY G. *	06	DEPOSITION OF
07	KREIDER; DOLORES *	07	JOSHUA SHUMAN
08	WARFEL and STEVE *	08	September 5, 2003
09	SKROCKI, each *	09	
10	individually and *	10	
11	as *	11	
12	members/officers *	12	
13	of the Penn manor *	13	
14	School Board; GARY*	14	
15	B. CAMPBELL, *	15	
16	individually and *	16	
17	as Superintendent *	17	
18	of the Penn Manor *	18	
19	School District; *	19	
20	DONALD STEWART, *	20	
21	individually and *	21	
22	as Acting *	22	
23	Superintendent of *	23	
24	the Penn Manor *	24	
25	School District; *	25	

Paragon Court Reporting, LLC



Page 1 - Page 4

01 information, and the stories don't
02 match, and you don't figure out whose
03 story doesn't match, either nobody
04 gets in trouble or both of them get
05 in trouble for the act. There's no
06 question when it comes to flirting.
07 It don't matter if you're fighting
08 yourself or not in the hallway. Both
09 of you should get kicked out of
10 school.
11 Q. Are you surprised that
12 immediately following the class,
13 Olivia Becker was in the hallway
14 saying you touched her and it was
15 unwanted? Did that surprise you?
16 A. Yes.
17 Q. But you didn't tell anybody at
18 that time that she was lying? You
19 didn't make yourself heard that time,
20 speak to any of those kids, stop her
21 and say what are you're saying,
22 you're lying? That's not true. Why
23 didn't you do that?
24 A. Because I didn't have a need
25 to. Nobody believes her anyway.

01 Q. So nobody believes her anyway?
02 A. Exactly.
03 Q. Who'd ever believe her?
04 A. Any kid in that classroom, I
05 guarantee you does not believe her.
06 When she talks in class everybody
07 makes a face about her talking.
08 Q. Why?
09 A. Because she's annoying and she
10 doesn't tell the truth. She does not
11 tell the truth and she is an
12 attention seeker. And I'm not the
13 only person that says that.
14 Q. Why haven't you sued her in
15 this case?
16 A. Because she's not the one that
17 made the decision on the discipline.
18 Q. She's the one lying, according
19 to you.
20 A. It's one thing for her to lie,
21 but someone that's supposed to be
22 handling something and going through
23 the process in trying find something
24 out, it comes to a conclusion that
25 had no evidence behind it. Then I

01 find a problem with it, because I got
02 kicked school for four days and my
03 whole reputation ruined.
04 Q. Okay. So you think that it's
05 a greater wrong to believe somebody
06 who's lying than to actually lie in
07 the first place, and that's why you
08 decided to sue the school and the
09 administrators instead of Olivia
10 Becker; is that accurate?
11 A. Well, how do you know if I get
12 done suing the school district, I'm
13 not going to sue her?
14 Q. Okay. That's what I'm asking.
15 Why haven't you sued her, why
16 haven't ---?
17 A. I haven't got there yet.
18 Q. Okay. Fair enough.
19 A. She keeps bragging that way,
20 she's ---.
21 Q. Would you describe yourself as
22 a stable person?
23 A. Yes.
24 Q. Have you had problems with
25 your emotions in the past?

01 A. No.
02 Q. Do you have problems
03 expressing your emotions?
04 A. No. I wouldn't say that.
05 Q. Do you have a good
06 relationship with your family?
07 A. Yes.
08 Q. Describe for me the
09 relationship you have with your
10 sister.
11 A. I'd say it's a good
12 relationship.
13 Q. Does your sister have a heroin
14 addiction?
15 A. She did.
16 Q. Can you tell me about that?
17 A. She was a heroin addict for
18 two years.
19 Q. Did she go to jail?
20 A. Yes.
21 Q. For what?
22 A. Possession and stealing.
23 Q. Give me the time period for
24 the heroin addiction and the time she
25 went to jail.

Page 173	Page 175
<p>01 A. Don't know the time periods.</p> <p>02 Q. Prior to December 7th of 2001?</p> <p>03 A. Yeah, it's prior.</p> <p>04 Q. A year prior, more than a year</p> <p>05 prior?</p> <p>06 A. About a year prior.</p> <p>07 Q. Did your sister attend Penn</p> <p>08 Manor School District?</p> <p>09 A. Yes, she did.</p> <p>10 Q. Did she have trouble in</p> <p>11 school?</p> <p>12 A. Yes.</p> <p>13 Q. What kind of trouble?</p> <p>14 A. Cutting class, she had</p> <p>15 problems with school officials, had</p> <p>16 problems with the counselors.</p> <p>17 Q. Did she ever run away from</p> <p>18 home?</p> <p>19 A. Not that I'm aware of.</p> <p>20 Q. She's over the heroin</p> <p>21 addiction now?</p> <p>22 A. That's correct. She has a</p> <p>23 child and a fianc .</p> <p>24 Q. I'm sorry, did you tell me</p> <p>25 that you couldn't recall if it was a</p>	<p>01 treatment as a result of the way you</p> <p>02 felt about your sister and her drug</p> <p>03 addiction and her run-ins with the</p> <p>04 law?</p> <p>05 A. I was talking to my</p> <p>06 psychologist at that time. But that</p> <p>07 was not my doing, talking to the</p> <p>08 counselor.</p> <p>09 Q. Whose doing was it?</p> <p>10 A. My mom wanted to make sure.</p> <p>11 She called and asked to set up an</p> <p>12 appointment to see if I was all right</p> <p>13 with handling that.</p> <p>14 Q. Did your mom have some</p> <p>15 concern?</p> <p>16 A. She had some concern that</p> <p>17 maybe I was like hiding how I felt</p> <p>18 about it. But it was determined that</p> <p>19 I had normal feelings, like anybody</p> <p>20 else.</p> <p>21 Q. During that time of treatment,</p> <p>22 do you recall whether or not you were</p> <p>23 diagnosed with any type of</p> <p>24 psychiatric or psychological</p> <p>25 disorder?</p>
Page 174	Page 176
<p>01 year --- from a year prior to</p> <p>02 December 7th, 2001, when your sister</p> <p>03 ---?</p> <p>04 A. It was prior I believe, I'm</p> <p>05 not 100 percent sure on that.</p> <p>06 Q. How did you react personally</p> <p>07 to the fact that your sister had this</p> <p>08 drug addiction and these</p> <p>09 run-ins with the law?</p> <p>10 A. That was her own doing.</p> <p>11 Q. How did it affect you?</p> <p>12 A. I was upset about it, but</p> <p>13 there was nothing I could do about</p> <p>14 it.</p> <p>15 Q. Was your relationship with her</p> <p>16 during this time period good or bad?</p> <p>17 A. I didn't talk to her.</p> <p>18 Q. Why didn't you talk to her?</p> <p>19 A. Because I didn't want to be</p> <p>20 associated with her while she was</p> <p>21 doing that.</p> <p>22 Q. It's fair to say that you were</p> <p>23 upset with what she was doing?</p> <p>24 A. That's correct.</p> <p>25 Q. Were you getting psychological</p>	<p>01 A. No. I was not.</p> <p>02 Q. Do you recall being diagnosed</p> <p>03 with adjustment disorder, with</p> <p>04 depression on or around December of</p> <p>05 2000?</p> <p>06 A. No.</p> <p>07 Q. Tell me about your</p> <p>08 relationship with your natural</p> <p>09 father?</p> <p>10 A. There is none.</p> <p>11 Q. What's your natural father in</p> <p>12 jail for, do you know?</p> <p>13 A. Intent to kill. Two counts.</p> <p>14 Q. Assault with intent to kill,</p> <p>15 do you know anything more specific</p> <p>16 about the charges?</p> <p>17 A. I don't know anymore specific,</p> <p>18 except to an attempt to kill.</p> <p>19 Q. He didn't kill somebody?</p> <p>20 A. I don't believe he did. It's</p> <p>21 intent, I don't know.</p> <p>22 Q. Your natural father writes</p> <p>23 letters to you?</p> <p>24 A. He does occasionally.</p> <p>25 Q. Do you respond to the letters?</p>

Page 177

01 A. No, I do not.
02 Q. Does he try to call you?
03 A. No.
04 Q. Have you ever called him?
05 A. No.
06 Q. Have you ever visited him?
07 A. No.
08 Q. Have you ever experimented
09 with drugs?
10 A. No.
11 Q. Alcohol?
12 A. No.
13 ATTORNEY WILEY:
14 I have one extra copy
15 of the complete set of records
16 from Life Span Psychological
17 Services.
18 ATTORNEY AGNEW:
19 One more?
20 ATTORNEY WILEY:
21 Yes, that were
22 subpoenaed from my office. I
23 wanted to show him at least
24 one page of it and I'll have
25 it marked. But I only have

Page 178

01 one extra copy.
02 ATTORNEY AGNEW:
03 Do you want to make a
04 copy?
05 ATTORNEY WILEY:
06 Do you mind?
07 ATTORNEY AGNEW:
08 No. I don't, I don't.
09 I guess I'm going to need to -
10 -- whatever you marked, I'm
11 going to need to get a copy
12 of.
13 ATTORNEY WILEY:
14 We'll attach it to the
15 transcripts.
16 ATTORNEY AGNEW:
17 Mark the entire
18 exhibit?
19 ATTORNEY WILEY:
20 Yes. These all ---.
21 ATTORNEY AGNEW:
22 Okay.
23 BY ATTORNEY WILEY:
24 Q. These were all of the records
25 that were sent to me on May 19th, of

Page 179

01 2003, from Life Span Psychological
02 Services pursuant to my subpoena.
03 Eleven (11) pages including the cover
04 page. I understand that you treated
05 more recently, so it's possible that
06 there are additional treatment
07 records, I suspect.
08 A. Correct.
09 Q. One the fourth page back,
10 there's an initial evaluation, do you
11 see that?
12 A. Yes.
13 ATTORNEY AGNEW:
14 Initial interview.
15 ATTORNEY WILEY:
16 Initial interview is
17 what it's titled.
18 ATTORNEY AGNEW:
19 Do you want him to
20 read it?
21 ATTORNEY WILEY:
22 Not yet.
23 BY ATTORNEY WILEY:
24 Q. Do you recall having an
25 initial interview with Hubert Wood?

Page 180

01 A. Yes.
02 Q. Okay. And when you were
03 testifying you said that your mom had
04 sent you in because she was concerned
05 about your expressions of emotions in
06 relation to what was going on with
07 your sister and I guess with your
08 father. Is this what you were
09 talking about, the time you went in
10 to see ---
11 A. Yes.
12 Q. --- Hubert Wood? Okay. Do
13 you recall this initial interview?
14 A. Yes.
15 Q. And at the top it names you as
16 the patient, provides your date of
17 birth and I think that DOE stands for
18 date of evaluation, December 19th,
19 of 2000. Do you recall that being
20 the date of your initial interview?
21 A. My first interview there?
22 Q. Yes.
23 A. Correct.
24 Q. Do you recall that?
25 A. Yes.